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5 Attorneys for Plaintiff
Landmark Home Mortgage, Inc.

6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA
9
10 SAN JOSE DIVISION

10 Landmark Home Mortgage, Inc.,

Action No. 07-CV-04654-JF

11 Plaintiff,

Joint Case Management Conference
Statement

12 vs.

13 Guillermo Flores, Alvin Silbernagel, Atlas
Financial Services, Inc. dba Atlas
14 Financial Services and Atlas Realty,
Bertha Moreno, Jose Arrellano, Robert
15 W. Peterson, individually and dba
Peterson Appraisal Group, and Does 1
16 through 50,

Date: April 25, 2008
Time: 10:30 a.m.
Crtrm: 3, Fifth Floor
Hon. Judge Jeremy Fogel

17 Defendants.
18 _____/

19 Plaintiff Landmark Home Mortgage, Inc., Defendants Robert W. Peterson,
20 individually and dba Peterson Appraisal Group, and Defendants Jose Arrellano and
21 Bertha Moreno hereby submit the following Joint Case Management Statement and
22 Proposed Case Management Plan in connection with the Case Management Conference
23 of April 25, 2008.

24 The following are the sole changes in this case since the last Case Management
25 Conference of December 21, 2007.

26 **1. Jurisdiction**

27 The motion for remand filed by Plaintiff Landmark Home Mortgage, Inc. was taken
28 under submission. Plaintiff contends that an additional basis for remand exists in that the
basis of claimed jurisdiction, being pendent jurisdiction to a complaint in the deemed

1 related case of PHH v Landmark, action No. C070369 JF, no longer exists in that the
2 claims by PHH Mortgage Corporation fka Cendant Mortgage Corporation have been
3 resolved by settlement. There is no diversity of jurisdiction in that case.

4 Defendants Jose Alfredo Arellano and Bertha Moreno would not object to this case
5 being remanded to state court.

6 **2. Party Defendants**

7 Motions for default and proposed Orders for default on the Complaint against Atlas
8 Financial Services, Inc., against Alvin Silbernagel, and against Guillermo Flores were
9 granted and defaults issued.

10 Robin Dakan, counsel for Silbernagel and Atlas have advised counsel for Plaintiff
11 Landmark Home Mortgage, Inc. that these defendants will likely file motions to set aside
12 default if there is no stipulation for setting aside the defaults against them. Plaintiff's
13 counsel is awaiting a letter stating the basis for setting aside the defaults.

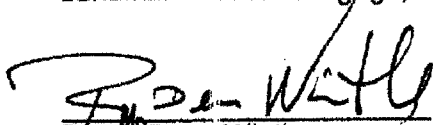
14 **3. ADR**

15 Counsel for all parties other than defaulted defendant Flores discussed following
16 the last Case Management Conference reaching an agreement for an early settlement
17 conference or mediation. No further action has been taken in this regard.

18 Dated: April 23, 2008

/s/
William C. Dresser
Attorneys for Plaintiff
Landmark Home Mortgage, Inc.

21 Dated: April 24, 2008


Roger Dean Wintle
Attorneys for Defendants
Bertha Moreno and Jose Arrellano

24 Dated: April 24, 2008

Liam O'Connor
Attorneys for Defendant
Robert W. Peterson, individually and dba Peterson
Appraisal Group

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Landmark Home Mortgage, Inc. v. Flores, et al; US Dist Ct, N.D. Cal. 07-CV-04654-JF
Joint Case Management Conference Statement

related case of PHH v Landmark, action No. C070369 JF, no longer exists in that the claims by PHH Mortgage Corporation fka Cendant Mortgage Corporation have been resolved by settlement. There is no diversity of jurisdiction in that case.

Defendants Jose Alfredo Arellano and Bertha Moreno would not object to this case being remanded to state court.

2. Party Defendants

Motions for default and proposed Orders for default on the Complaint against Atlas Financial Services, Inc., against Alvin Silbernagel, and against Guillermo Flores were granted and defaults issued.

Robin Dakan, counsel for Silbernagel and Atlas have advised counsel for Plaintiff Landmark Home Mortgage, Inc. that these defendants will likely file motions to set aside default if there is no stipulation for setting aside the defaults against them. Plaintiff's counsel is awaiting a letter stating the basis for setting aside the defaults.

3. ADR

Counsel for all parties other than defaulted defendant Flores discussed following the last Case Management Conference reaching an agreement for an early settlement conference or mediation. No further action has been taken in this regard.

Dated: April 23, 2008

/s/
William C. Dresser
Attorneys for Plaintiff
Landmark Home Mortgage, Inc.

Dated: April 24, 2008

Roger Dean Wintle
Attorneys for Defendants
Bertha Moreno and Jose Arrellano

Dated: April 24, 2008

Liam O'Connell
Attorneys for Defendant
Robert W. Peterson, individually and dba Peterson
Appraisal Group

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